

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.29059 of 2025**

Arising Out of PS. Case No.-539 Year-2017 Thana- MASAUDHI District- Patna

1. Sanjay Kumar S/o- Rajnandan Yadav Resident of Badroi PS- Masaurhi, Dist- Patna
2. Mithlesh Kumar S/o- Raghvendra Yadav Resident of Badroi PS- Masaurhi, Dist- Patna
3. Ranjit Kumar S/o- Suresh Yadav Resident of Badroi PS- Masaurhi, Dist- Patna
4. Nagesh Yadav S/o- Ramashish Yadav Resident of Badroi PS- Masaurhi, Dist- Patna
5. Ramswarath Yadav S/o- Ramvaran Yadav Resident of Badroi PS- Masaurhi, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Barun Prasad, Adv.

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

2      15-05-2025                      Heard the learned Advocate for the petitioners and the learned APP for the State.

2. The petitioners apprehend their arrest in connection with Special Case No. 8036 of 2017, arising out of Masaurhi P.S. Case No. 539 of 2017, registered for the offences punishable under Section 290 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2016 and Section 2, 3 and 4 of the Mahua Flower Control Act, 2016.



3. The police on a secret information that some persons are engaged in manufacturing of illicit wine raided near the bank of *Morhar* river. However, noticing the police party, the persons who were assembled there, succeeded in fleeing away. The local people disclosed the named of 26 persons, who were assembled there and engaged in manufacturing of illicit wine. In course of search, 50 liters of *mahua* liquor and other utensils were recovered.

4. Learned Advocate for the petitioners contended that apart from the fact that the petitioners have absolutely clean antecedent, they had never been informed with regard to the institution of the case and, as such, delay has occurred in approaching before the Court. The identification by the local villagers does not inspire confidence, inasmuch as, the name of 26 persons have been disclosed without there being any material substance. It is the admitted position that the entire recovery has been made from an open place and the petitioners have neither any concern with the place, in question, nor with the illicit wine, which is said to have been allegedly recovered. There is no material suggesting the complicity of the petitioners.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application.



6. Regard being had to the submissions made on behalf of the parties and considering the nature of allegation and the fact that there is no material attracting the rigors provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2016, let the petitioners above named be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) **each** with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise-III, Patna in connection with Special Case No. 8036 of 2017, arising out of Masaurhi P.S. Case No. 539 of 2017, subject to the conditions laid down in Section 482(2) Bharatiya Nagarik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioners.

**(Harish Kumar, J)**

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